

UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF RHODE ISLAND

IN RE: JOHN CLARK DONATELLI, JR.

BK No. 14-12739

**OBJECTION OF DEBTOR TO MOTION FOR RELIEF FROM STAY FILED BY
BAYVIEW LOAN SERVICING, LLC.**

Now comes the Debtor and objects to the Motion for Relief from Stay filed by Bayview Loan Servicing, LLC and as grounds respectfully states as follows:

1. Admitted.
2. Admitted.
3. Admitted except as to the validity of the assignment.
4. Debtors lack sufficient information to form a belief as to the truth of the averments of Paragraph 4.
5. N/A – clerical error on objection and was missed number.
6. No answer required. If required it is denied.
7. Denied.
8. Denied.
9. Denied.
10. Denied.
11. Admitted.
12. Admitted.
13. Admitted.
14. Debtors lack sufficient information to form a belief as to the truth of the averments of Paragraph 14.

15. Debtors lack sufficient information to form a belief as to the truth of the averments of Paragraph 15.

16. Debtors lack sufficient information to form a belief as to the truth of the averments of Paragraph 16.

17. Debtors lack sufficient information to form a belief as to the truth of the averments of Paragraph 17.

18. Denied.

19. Debtors lack sufficient information to form a belief as to the truth of the averments of Paragraph 19.

20. Admitted.

21. Debtors lack sufficient information to form a belief as to the truth of the averments of Paragraph 21.

22. Denied.

WHEREFORE, Debtor requests that the motion be denied. In addition, Debtor objects to the request that if relief is granted, the Movant may commence a summary process action against occupants of the Property, or that entry of the Order shall be effective immediately upon entry, notwithstanding the provisions of FRBP 4001(a)(3).

FIRST AFFIRMATIVE DEFENSE

Standing of the Movant to bring this motion.

SECOND AFFIRMATIVE DEFENSE

FDCPA claims under RIGL 34-27-3.2.

THIRD AFFIRMATIVE DEFENSE

TILA claims regarding failure to identify owner of mortgage.

FOURTH AFFIRMATIVE DEFENSE

Regulation X claims regarding Responses and Request for Information.

Debtor
By His Attorneys,

/s/RUSSELL D. RASKIN
BC #1880
RASKIN & BERMAN
116 East Manning Street
Providence, RI 02906
(401) 421-1363

CERTIFICATE OF SERVICE

I hereby certify that on 2nd day of March, 2015 I electronically filed the within objection with the Clerk of the Bankruptcy Court for the District of Rhode Island using the CM/ECF System. The following participants have received notice electronically:

- Jeanne M. Scott on behalf of Creditor Bayview Loan Servicing, LLC
jms@jeannescottlaw.com
Gary L. Donahue ustpreion01.pr.ecf@usdoj.gov
- Charles A. Pisaturo cpisaturo@earthlink.net,
RI10@ecfcbis.com;Jenn@pisaturolaw.necoxmail.com
- Russell D. Raskin mail@raskinberman.com, raskinberman@gmail.com

and I hereby certify that I have mailed by United States Postal Service, postage pre-paid, the document electronically filed with the court to the following non CM/ECF participants:

Mr. John Clark Donatelli, Jr.
1101 Curtis Corner Road
Wakefield RI 02879

/s/DAWN PEMENTEL